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| 10/091,587 | 03/07/2002 | Satoshi Nagata | 045237-0104 | 7716 |

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EXAMINER

ZEADE, BERTRAND

ART UNIT PAPER NUMBER

2875

DATE MAILED: 08/08/2003


Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/091,587

Applicant(s)

NAGATA, SATOSHI 

Examiner

Bertrand Zeade

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

- 2.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-5, 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Curtindale (U.S.6,234,558).

Curtindale ('558) discloses an interior trim attachment apparatus for an automotive vehicle having:

Regarding 1, a lamp main body (see fig. 13); a plurality of engagement hooks (121) protruded from the lamp main body (figs. 13); a plurality of elastic engagement hooks or spring (col. 3, lines 36- 41) protruded from the lamp main body (see figs.1-3); wherein the plurality of the engagement hooks (121) are configured to respectively engage with a plurality of

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engage sections (see figs. 1-3) formed in a roof trim (see abstract), whereby the lamp main body (see fig. 13) is temporarily fixed in the roof trim (see abstract) where the lamp main body (301) is temporarily fixed to the roof trim (see abstract) and the lamp main body and the roof trim are modularized, the plurality of the elastic engagement hooks (121) are configured respectively elastically engage with a plurality of engage sections (see figs. 1-3) formed in the roof panel or body panel (25), whereby the lamp main body is fully fixed to the roof panel (131) so as to be integrally formed with the roof trim, wherein each of the elastic engagement hooks comprises an inclined engagement surface which is elastically engaged with the engaged section in a state of being inclined with respect to the roof panel (131) is formed in said elastic engagement hook or spring (col. 3, lines 36- 41).

Regarding 2, wherein each of the elastic engagement hook (121) is constituted by bent leaf spring in which a fixed end section in one end fixed to the lamp main body (see fig. 13), a free end section in another end being free with respect to lamp main body (see fig. 13) , and the inclined engagement surface or metal clip (355) is in a position between the fixed end section and the free end section (see figs. 1-13).

Regarding claim 3, wherein a drop-out preventing piece or resilient leg (121) brought into contact with the lamp main body at a time when the inclined engagement surface (121) is elastically engaged with the engaged section of the roof panel is formed in the free end section of the elastic engagement hook (see figs. 1-13).

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the elastic engagement hook (see figs. 1-13).

Regarding claim 4, wherein a contact section (see fig. 1), brought into contact with the lamp main body at a time when the drop-out preventing piece or resilient leg (121) is brought into contact with the lamp main body, is formed in the another end side of the leaf spring (121), and an inclined section, inclined with respect to the lamp main body, is formed between the contact section and the drop-out preventing piece (see figs. 1-13).

Regarding claim 5, the roof trim (see abstract) is constituted by a base member (93) positioned in a side of said roof panel or interior trim panel (131), and a mounting member (51) positioned in an inner side of a passenger room (see figs. 1-13).

Regarding claim 8, a contact section brought into contact with the roof trim is formed in a periphery of the lamp main body (see figs. 1-13).

Regarding claim 9, a lamp main body (see fig. 13); a first plurality of engagement hooks (121) protruded from the lamp main body (figs. 13); a second plurality of engagement hooks (121) protruded from said lamp main body (figs. 13); a second plurality of engagement hooks (121) being elastic; wherein the first plurality of the engagement hooks (121) are configured to respectively engage with a first plurality of engaged sections formed in a vehicle roof trim (131), whereby the lamp main body is temporary fixed to the roof trim (see figs. 1-13), wherein the second plurality of the engagement hooks (121) are configured to respectively engage with a second plurality of engaged sections formed in a mounting panel positioned in a vehicle roof (see figs. 1-13), whereby the lamp main body is fully fixed to the mounting panel; wherein each of the

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second plurality of the engagement hooks includes an inclined engagement surface that engages with the engaged section (55) of the mounting panel in a manner that the inclined engagement surface is inclined with respect to the mounting panel (see fig. 1-14).

Allowable Subject Matter

4. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record neither teach nor suggest a foamed urethane, a sheet fabric, a felt, a resin, a non woven fabric employed for the mounting member respectively.

Response to Arguments

6. Applicant's arguments filed 05/12/2003 have been fully considered but they are not persuasive.

7. Applicant argues that reference Curtindale ('558) does not include a plurality of elastic engagement hooks on the bezel and lamp combination; the snap legs 313 of Curtindale ('558) are part of the fastener not the bezel and lamp combination; the dog houses 309, however, are not hooks and the element (251) is a coathook. Applicant further argues that the lamp body is temporarily fixed to the roof trim.

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8. In response to Applicant's arguments, Examiner agrees with the Applicant that element (251) does not reads over Applicant's engagements on one hand, on the other Curtindale does disclose a plurality of elastic engagement hooks (121) for the fact that Applicant fail to define the elasticity of the engagement hooks. Applicant further argues that the snap legs 313 of Curtindale ('558) are part of the fastener not the bezel; Curtindale does not suggest temporary fixing.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., bezel) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Curtindale's (figs. 1-14) are collapsible because they last for a limited time.

Applicant's arguments do not comply with 37 CFR 1.111© because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

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Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 703-308-6084. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (703) 305-4939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Examiner: Bertrand Zeade

July 23, 2003.


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800